

REMARKS

The present amendment is in response to the Notice of Non-Compliant Amendment mailed November 1, 2005, as well as in response to the Official Action mailed May 13, 2005. In the previously submitted amendment dated August 12, 2005, Applicants inadvertently failed to include the listing of original claim 13, which claim was presented in the application as filed on February 4, 2002, and which claim was not amended nor cancelled in the preliminary amendment submitted on May 20, 2002. Accordingly, original claim 13 is now provided in the listing of claims along with the other claims listed herein. With the present invention, claim 4 has been cancelled and claims 1-3, 5-12 and 14-24 have been amended. Claims 1-3, 5-12 and 14-24, as amended, are now pending in the present application. In the Official Action, claims 1-12 and 14-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,383,112 to Clark ("Clark"). It is respectfully submitted that the pending claims are not anticipated by Clark.

Clark discloses a system 10 for distributing video programming (See Fig. 1). Clark distributes its video programming in the environment of pay-per-view (PPV) networks and provides a system for scheduling of programs, acquiring media copies of programs, managing an inventory of the media copies and exhibiting the programs throughout a predetermined period of time to watch via pay-per-view.

The system of Clark includes a video server 11, shown in more detail in block diagram form in Figure 2. The video server 11 includes a serving computer 15, software, control bus 16 and a plurality of video or media players 17 (see col. 4, lines 19-22). Figure 4 shows a flow chart of the Title Manager segment 400. The Title Manager segment 400 first performs a switching task 402, which switches program control to a selected procedure in accordance with the user input

(see col. 10, lines 42-45). The switching task 402 switches program control to a Display Title(s) procedure 404. The procedure 404 accesses the titles database and filters the data therein to identify only specified data records (see col. 10, lines 61-65). Once the filter parameters have been specified, the procedure 404 processes the file or files that contain the titles database to identify the records specified by the filter parameters. When the records are identified, a portion of the data in the records is displayed. Procedure 404 displays the record's unique identifying number (see col. 11, lines 7-13).

The presently claimed invention, however, is different from Clark and different from the display of specified records as disclosed in Clark. Namely, the present application describes the issue of a demand for carrying out services, such as upgrading programs, debugging programs, etc. in order to meet particular situations of individual users of the user computers (e.g., entertainment apparatus loaded with a recording medium), even if the manufacturing histories or versions of the programs are the same, but other factors, such as user operations, devices used and so forth differ among each individual user computer (see, e.g., ¶¶ 2-3 of the published application).

The application describes that the content server 6 can obtain status information of a user, such as data recorded in a loaded disk 2 (such as a serial number or version number of the program on the recoding media), data of partway-through games stored in the user computer and so forth (see, e.g., ¶¶ 113, 121-123, 127).

Clark does not disclose or suggest the use of any such status information of individual user computers representing a current status of at least one of the programs or data stored in the recording medium or the user computer. This feature of the presently claimed invention permits users to receive desired services and data from content servers such as upgrading

programs, debugging programs, etc. that meet the current situations of the individual users, even if the manufacturing histories or versions of the programs are the same, but user operations, such as how far a user has reached in a particular game, are different (See, e.g., ¶¶ 113, 127).

Therefore, Applicants have amended the claims to include more specifically the feature of obtaining or sending user status information representing a current status of at least one of programs and data stored in at least one of the recording media and the user computer by or to the desired content server. In this manner, the specified content server can transmit content information back to the user computer to provide the requested content.

Thus, with the above amendments and remarks, Applicants respectfully submit that the present claims are not anticipated by Clark, which fails to disclose at least the feature of requesting or providing user status information representing a current status of at least one of programs and data stored in the recording media or the user computers and so that the user computer can receive requested information from the desired content server.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

Jonathan A. David

Registration No.: 36,494

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

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